

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PROMANCO, INC.,

Plaintiff,

v.

**Civil Action 2:16-cv-430
Judge Michael H. Watson
Magistrate Judge Jolson**

**HORIZON RETAIL CONSTRUCTION
INC., et al.,**

Defendants.

ORDER AND REPORT AND RECOMMENDATION

This matter came before the Court for a status conference on November 17, 2016. During the conference, the Court addressed Plaintiff's pending Motion for Leave to File an Amended Complaint and to Drop All Claims against Nondiverse Dispensable Defendants Grand Central Parkersburg, LLC, and WP Glimcher, Inc. (Doc. 33). Defendants indicated that the Motion is unopposed. Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that, when a party must seek leave of court to amend a pleading, "[t]he court should freely give leave when justice so requires." For good cause shown, and in light of the federal policy in favor of liberal amendment, the unopposed Motion for Leave to File an Amended Complaint and to Drop All Claims against Nondiverse Dispensable Defendants Grand Central Parkersburg, LLC, and WP Glimcher, Inc. is GRANTED. (Doc. 33). The Clerk shall file Exhibit A to Doc. 33 as the amended complaint. Defendant shall have until January 13, 2017, to file an answer to the amended complaint.

Further, upon agreement of the parties, it is RECOMMENDED that Grand Central

Parkersburg, LLC, and WP Glimcher, Inc. be DISMISSED from this action WITH PREJUDICE.

Based upon the foregoing, it is also RECOMMENDED that the Motions to Dismiss (Docs. 23, 24) be DENIED as MOOT.

IT IS SO ORDERED.

Date: November 17, 2016

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE